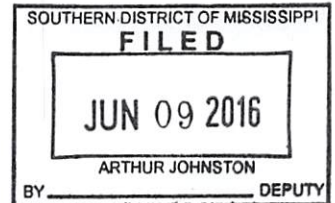


IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION



AMERICA'S HOME PLACE, INC.

PLAINTIFF

VS.

CIVIL ACTION NO.: 2:16cv81-KS-MTP

DREAM BUILDERS OF MS, LLC,  
JESSE W. BURT, JR.,  
DOROTHY K. BURT,  
JAMES TODD PHILLIPS,  
HOWARD JOHNSON, and  
SINDY JOHNSON

DEFENDANTS

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COMPLAINT

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**COMES NOW** the Plaintiff, America's Home Place, Inc., by and through counsel, files this its Complaint against Defendants Dream Builders of MS, LLC, Jesse W. Burt, Jr., Dorothy K. Burt, James Todd Phillips, Howard Johnson, and Sindy Johnson and in support of said Complaint would show unto the Court the following matters, to-wit:

**PARTIES**

1. America's Home Place, Inc. (AHP) is a corporation organized under Georgia law, registered to do business in the State of Mississippi and operates a place of business at 4205 Lakeland Drive in Flowood, Mississippi.
2. Dream Builders of MS, LLC is a Mississippi limited liability company, located at 225 Canal Street, McComb, Mississippi 39648 and may be served through its agent, Jesse W. Burt, Jr.
3. Jesse W. Burt, Jr. is the manager, member and vice president of Dream Builders of MS, LLC. He may be served with process at his place of business 225 Canal Street, McComb, MS 39648.

4. Dorothy K. Burt is manager and president of Dream Builders of MS, LLC and may be served with process at her place of business 225 Canal Street, McComb, MS 39648
5. James Todd Phillips is a resident of Pike County, MS and may be served with process at 225 Canal Street, McComb, MS 39648.
6. Howard Johnson is a resident of Walthall County, and may be served at his residence at 16 Packwood Road, Tylertown, Mississippi.
7. Sindy Johnson is a resident of Walthall County, and may be served at her residence at 16 Packwood Road, Tylertown, Mississippi.

#### **JURISDICTION**

8. Under 28 U.S. Code § 1338 federal courts have exclusive original jurisdiction over “any civil action” or “claim for relief” involving copyrights.
9. Venue is proper in this Court as all Defendants are domiciled in Pike County or Walthall County, Mississippi and the house was built in Walthall County, Mississippi, which is in the Southern District of Mississippi Eastern Division District Court.

#### **FACTS**

10. AHP is in the business of constructing residential homes for individual property owners.
11. AHP has, at its significant expense, employed architects, building engineers, and designers to produce building plans which AHP uses in its regular course of business.

12. AHP's building plans are distinctive, and readily identifiable to AHP's customers and potential customers.
13. AHP is the exclusive owner of its plans, including the Oxford, which are protected under Federal Regulations 17 U.S.C. § 101 et seq.
14. AHP is the registered owner of the Oxford plan under federal copyright number VAu000280102.
15. In the summer of 2015 Howard and Sindy Johnson began negotiations with AHP to build a house at 1028 Vanerson Road in Tylertown, Mississippi.
16. On or about July 29, 2015 AHP entered into a contract with Howard and Sindy Johnson to construct a house at 1028 Vanerson Road in Tylertown, Mississippi, copy attached. *Ex A*
17. The Johnsons requested that AHP use its Oxford plan to construct a house as 1028 Vanerson Road in Tylertown, thereby gaining access to the copyrighted plans, copy of plans attached. *Ex B*
18. Howard and Sindy Johnson, instead of having AHP build their house, arranged for Dream Builders of MS, LLC and James Todd Phillips to build a house at 1028 Vanerson Road in Tylertown to substantially identical design as that of the AHP contract, photo of house as constructed attached. *Ex C*

#### **COUNT ONE – TORTIOUS INTERFERENCE WITH CONTRACT**

19. Dream Builders of MS, LLC, Jessie W. Burt, Dorothy K. Burt, and James Todd Phillips wrongfully interfered with AHP's contract with the Johnsons. But for the

wrongful interference of Defendants, AHP would have performed its contract with Howard and Sindy Johnson.

20. AHP has been damaged by Defendants' Dream Builders, Burt, Burt, and Phillips tortious interference.

## **COUNT TWO – COPYRIGHT INFRINGEMENT**

21. Defendants, without AHP's permission, wrongfully constructed a residential home substantially similar to AHP's House Plans at 1028 Vanerson Road in Tylertown, Mississippi. Said wrongful acts constitute infringement of AHP's copyrighted House Plans.

22. AHP has suffered and continues to suffer damages caused by said copyright infringement.

23. Under Federal Regulations 17 U.S.C. § 101 et seq. AHP is entitled to recover damages from said copyright infringement from the Defendants.

THEREFORE, the Plaintiff, America's Home Place, Inc., seeks judgment against each of the Defendants, jointly and severally or individually as follows:

- a. Permanent injunction preventing Defendants from continuing copyright infringement of AHP's House Plans;
- b. Return of all copies of AHP's House Plans held, controlled, or used by the Defendants;
- c. Payment by Defendants to AHP of all profit obtained by Defendants through their wrongful conduct as authorized under 17 U.S.C. § 504;
- d. Payment by Defendants to AHP of AHP's attorney fees incurred through these proceedings as authorized under 17 U.S.C. § 505; and

- e. Payment by Defendants Dream Builders of MS, LLC, Jessie W. Burt, Dorothy K. Burt and James Todd Phillips, to AHP of damages proximately caused by said Defendants' tortious interference with AHP's contract including punitive, exemplary, and or other relief for the maximum amount allowable under law, plus costs of court.

Respectfully Submitted,  
AMERICA'S HOME PLACE, INC.

By:

  
James D. Bell

BELL & ASSOCIATES, P.A.

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